

Amendment and Response

Applicant: Deltas G. Frederiksen

Serial No.: 09/935,806

Filed: August 23, 2001

Docket No.: 10005155-1

Title: PROCESS POWER BROKERING APPARATUS AND METHOD

REMARKS

The following Remarks are made in response to the Ex Parte Quayle Action mailed December 29, 2005, in which claims 1-17 were allowed and claims 18-20 were rejected.

With this Amendment, claim 18 has been amended as suggested by the Examiner.

Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 101

Claims 18-20 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. More specifically, the Examiner considered the preamble of independent claim 18 as being nonstatutory functional descriptive material and suggested that the preamble be amended to read "a computer program product containing computer readable medium encoded with program instructions for compute cycle brokering." Accordingly, Applicant has amended the preamble as suggested by the Examiner.

In view of the above, Applicant respectfully requests that the rejection of claims 18-20 under 35 U.S.C. 101 be reconsidered and withdrawn and that claims 18-20 be allowed.

Allowable Subject Matter

Claims 1-17 are allowed. Applicant appreciates the indicated allowance of these claims.

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In view of the above, Applicant respectfully submits that pending claims 1-20 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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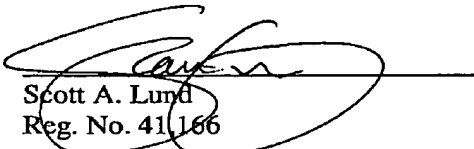
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 18th day of January, 2006.

By 
Name: Scott A. Lund